

REMARKS

This paper is responsive to an Official Action that was issued October 16, 2006 in this case. In that Action, the Office issued the following objections to and rejections of the pending claims:

- Claims 6 was objected to based on a lack of antecedent basis;
- Claims 9 and 11-14 were objected to as being in improper dependent form;
- Claims 1, 3, 9, 10, 12, and 13 were rejected under 35 USC §102 as being anticipated by U.S. Pat. No. 5,330,165 to van Goubergen; and
- Claims 2, 4-8, 11, 14-23, and 26-32 were rejected under 35 USC §103 as being obvious over van Goubergen in view of U.S. Pat. No. 3,679,159 to Bach *et al.*

Responsive to the Action, claims 1, 6, and 26 have been amended and claim 23 has been canceled. Reconsideration is respectfully requested in view of the foregoing amendments and the following comments.

**Objections to Claims
6, 9, and 11-14**

Claim 6 has been amended to recite a dependency to claim 4, rather than claim 3, thereby providing proper antecedent basis for the claim. This amendment overcomes the objection to claim 6.

The Examiner alleged that claim 9 was in improper dependent form for allegedly "failing to further limit the subject matter of a previous claim." Presumably, the Examiner refers to the recitation of "vibration control elements" in claim 9, as well as claim 1, upon which claim 9 depends. Although recited in claim 1, the vibration control elements were not positively recited in that claim. Therefore, it is appropriate to positively recite the vibration control elements in claim 9.

**Claims 1-14 Are
Allowable over
van Goubergen**

Amended claim 1 recites an article for use with spherical vibration-control elements, wherein said article comprises, in pertinent part:

a plate having a number, n , of spaced wells arranged in a two-dimensional array, wherein:

 said two-dimensional array comprises at least two rows of said spaced wells with a minimum of three wells in each row;

 said wells are suitably sized so that when a well receives said spherical vibration control element, said vibration control element contacts said plate at substantially every point along a perimeter of said well; and

 (iii) said wells underlie said spherical vibration control elements, and further wherein, in use, the only constraint to unrestricted lateral movement of said spherical vibration control elements are said wells.

Van Goubergen does not disclose what is recited in claim 1. In particular, van Goubergen does not disclose that the only constraint to unrestricted lateral movement of the spherical vibration control elements is (underlying) wells.

In van Goubergen's "vibration damper," lateral movement of the "spherical elastomeric bodies 1" is restricted by at least one mechanism *in addition* to the underlying wells.

First, each of van Goubergen's elastomeric bodies are interconnected to one another by a web (6), which "connect adjoining spheres into a mat." (Col. 5, lines 27-29.) According to van Goubergen they are "interconnected to each other to prevent rolling." (See, e.g., claim 1, lines 6-8.) This potentially restricts lateral (and other) movement of the elastomeric bodies.

Second, movement of van Goubergen's elastomeric bodies are typically constrained by either (1) an overlying "well," (i.e., FIGs. 1, 2, 5, 6, 7, 8, 10) or (2) lateral partitions 4".

In applicant's claimed invention, a flat planar surface —either the bottom of an audio/video component or the undersurface of the top plate— overlies the vibration control elements. And although there is a downward pressure on the vibration control elements from the weight of an overlying component, this does not prevent lateral movement of the vibration control elements.

In light of the foregoing, it is believed that independent claim 1 is allowable over van Goubergen. Based on their dependence on claim 1, dependent claims 2-14 are likewise over this reference as well.

Claims 2, 4-8, 11, 14-22 and 26-32 Are Allowable over the Combination of Van Goubergen and Bach

Claim 15 recites an article comprising:

a plate, wherein said plate comprises a first plurality of spaced wells arranged in a two-dimensional array; and

a second plurality of vibration-control elements, wherein said vibration-control elements are received by some but not all of said wells, one vibration-control element to a well.

The combination of van Goubergen and Bach do not suggest or otherwise obviate what is recited in claim 15. Namely, there is no suggestion in either of these references, nor would one skilled in the art otherwise be motivated to provide the claimed plate with wells, wherein not all wells receive a vibration control element.

In both van Goubergen and Bach, the vibration control elements are connected to one another. The interconnection of vibration control elements was already discussed in conjunction with Goubergen. It's readily apparent in FIGs. 1 and 4, for example of Bach.

That being the case, there is no support for an allegation that such references are in any way suggestive of what is recited in claim 15. What motivation would there be to provide vibration-control elements in only *some* of the available wells when such elements are not separable in the cited art? This is nothing more than improper hindsight reconstruction of applicant's invention.

The same argument applies to independent claims 21 and 26, which each include a limitation that not all wells include a vibration-control element.

As a consequence, it is believed that independent claims 15, 21, and 26 are allowable over the combination of van Goubergen and Bach. Based on their dependence on one of the independent claims, dependent claims 16-20, 22, and 27-32 are allowable as well. The recitation of additional patentable features in these claims provides a secondary basis for their patentability.

Conclusion

It is believed that claims 1-22 and 26-32 now presented for examination are allowable over the art of record. A notice to that effect is solicited.

Respectfully,
DeMont & Breyer, LLC

By /Wayne S. Breyer/
Wayne S. Breyer
Reg. No. 38089
Attorney for Applicants
732-578-0103 x12

05 March 2007